

**PATENT APPLICATION**

10/08/99  
U.S. PTO

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No: 28724/35321

A  
JC594 U.S. PTO  
10/08/99

**PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53**

*Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231*

Sir:

Transmitted herewith for filing is the patent application of

Inventors: Mark E. Gardiner, Wade D. Kretman, Sanford Cobb, Jr., and Kenneth A. Epstein

Title: OPTICAL ELEMENT HAVING PROGRAMMED OPTICAL STRUCTURES

**1. Type of Application**

- This is a new application for a
  - utility patent.
  - design patent.
- This is a continuation-in-part application of prior application no.

**2. Application Papers Enclosed**

- 1 Title Page
- 18 Pages of Specification (excluding Claims, Abstract, Drawings & Sequence Listing)
- 7 Pages of Claims
- 1 Page of Abstract
- 9 Sheets of Drawings (Figs. 1 to 11)
  - Formal
  - Informal

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this Patent Application Transmittal and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on October 8, 1999, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EM578440162US.

  
Richard Zimmermann

### **3. Declaration or Oath**

- Enclosed**
- Executed by (check all applicable boxes)**
- Inventor(s)**
- Legal representative of inventor(s)  
(37 CFR 1.42 or 1.43)**
- Joint inventor or person showing a proprietary interest on behalf  
of inventor who refused to sign or cannot be reached**
- The petition required by 37 CFR 1.47 and the statement  
required by 37 CFR 1.47 are enclosed. See Item 5D below  
for fee.**
- Not enclosed - the undersigned attorney or agent is authorized to file this  
application on behalf of the applicant(s). An executed declaration will follow.**

### **4. Additional Papers Enclosed**

- Preliminary Amendment**
- Information Disclosure Statement**
- Declaration of Biological Deposit**
- Computer readable copy of sequence listing containing nucleotide and/or  
amino acid sequence**
- Microfiche computer program**
- Verified statement(s) claiming small entity status under 37 CFR 1.9 and 1.27**
- Associate Power of Attorney**
- Verified translation of a non-English patent application**
- An assignment of the invention**
- Return receipt postcard**
- Other**

5. Filing Fee Calculation (37 CFR 1.16)

A.  Utility Application

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	Fee	RATE	Fee
BASIC FEE				\$380.00		\$760.00
TOTAL	27 -20	7 =	X 9 =	\$	X 18 =	\$126.00
INDEP.	3 - 3	=	X 39 =	\$	X 78 =	\$
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 130 =	\$	+ 260 =	\$
Filing Fee:				\$	OR	\$886.00

B.  Design Application (\$155.00/\$310.00) Filing Fee: \$ \_\_\_\_\_

C.  Plant Application (\$240.00/\$480.00) Filing Fee: \$ \_\_\_\_\_

D. Other Fees

Recording Assignment \$ \_\_\_\_\_

Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached \$ \_\_\_\_\_

Other \$ \_\_\_\_\_

Total Fees Enclosed \$886.00

**6. Method of Payment of Fees**

- Enclosed check in the amount of: \$886.00
- Charge Deposit Account No. 13-2855 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.
- Not enclosed

**7. Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, O'Toole, Gerstein, Murray & Borun at the address below.

Please direct all future communications to Anthony G. Sitko, at the address below.

Respectfully submitted,

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By:

  
Anthony G. Sitko  
Reg. No: 36,278

October 8, 1999